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## EMOTIONS RUN HIGH AT FCC FAIRNESS HEARING

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**W**ASHINGTON—For the second day, members of the Federal Communications Commission listened Friday to a passionate debate over the fairness doctrine, with critics assailing it as dangerous to democracy and supporters defending it as a safeguard of democracy.

A string of broadcasters and journalists argued for repeal of the federal regulation that requires radio and TV stations to cover controversial issues of public importance and to provide reasonable opportunities for the presentation of contrasting viewpoints on the issues. The rule, one speaker said, represents a "dangerous, unnecessary, unworkable and counterproductive practice of government intrusion into media content."

Other speakers countered that the controversial fairness doctrine is the public's only guarantee of fair, responsible reporting by the electronic news media.

The FCC rule, argued David M. Rubin of the American Civil Liberties Union, "remains one of the few tools an individual can employ to bargain for a more robust video marketplace."

The testimony was delivered as part of the commission's 10-month-old inquiry into the role of the doctrine in light of recent developments in First Amendment and communications law and of technological changes that have

overtaken print and electronic media since the doctrine was adopted more than 30 years ago.

Printed media have no such mandated requirements, and the federally licensed electronic press has long contended that the FCC rule relegates it to second-class journalistic status. FCC Chairman Mark Fowler has said repeatedly that he would like to do away with the regulation.

NBC News correspondent Bill Monroe was among those pleading for repeal. He claimed that the rule allows for the government to act as a "referee in editorial decision-making."

That, Monroe added, "will steadily and inexorably weaken our free-press tradition as it applies to all media."

A similar position was taken by Peter Pritchard, associate editorial director of USA Today and chairman of the freedom of information committee of the Society of Professional Journalists.

"Our position on this is simple and elegant," Pritchard said. "We think it should be junked. . . . I don't think that the government should decide whether a story is fair or balanced."

Despite the vehemence of the opposition to the regulation, several speakers noted that there may be little that the FCC can do about the rule. Several attorneys said that repeal of the rule is most likely the province of Congress, not the independent regulatory agency.

Congressional leaders have long opposed the FCC efforts to repeal the rule, and witnesses said there was little reason to believe that Congress has changed its mind.

Steve Simmons, a former aide to President Jimmy Carter and author of "The Fairness Doctrine and the Media," a legal analysis of the rule, concluded that Congress is "very, very supportive" of the fairness requirement.

"The commission just does not have any authority to eliminate the doctrine," Simmons told the commissioners. "You're playing with fire if you go ahead and try."